WP(C) 4142/2007
BEFORE
HON'BLE MRS JUSTICE A. B. PAL.

Heard Mr. A. Sarma, learned Sr. Counsel assisted by Ms. Sumitra Sarma for the petitioner. Also heard Mrs. M.H. Phukan for the State respondent.
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The notice dated 23/7/2007 issued by Revenue Circle Officer, Mor ongi to the petitioner (Dolaguri Tea Company Pvt. Ltd.) has prompted the petitio ner to approach this court to assail the same contending inter allia, that the r evenue circle officer has specifically stated in the impugned notice that the la nd measuring 581 bighas 1 katha 6 lechas of which the boundaries are to be shown as per said notice, belonged to the applicant, the Kathoni Tea Estate, the 2nd respondent herein which is beyond his authority.
It would appear from a plain reading of the said notice that the 2nd respondent submitted an application to the said Revenue Circle Officer to show only the bou ndaries of the lands aforementioned. The learned Sr. counsel for the petitioner submits that there is a dispute between the two tea estates over the said lands and, therefore, it is not appropriate on the part of the said Revenue Circle Off icer to mention in the notice for showing the boundaries that the said lands are the applicant's lands . Such remark in the notice virtually amount to declarin g title of the respondent tea estate over the same. His further submission is th at the said lands are comfortably in possession of the petitioner Tea company fo r long period and, therefore, only a civil court can decide a hostile claim of t itle over the same if the respondent Tea estate intends to raise any Thus, thoug h the Revenue Circle Officer/authority has every right to show the boundaries of the said lands, it is not within his jurisdiction to say whose lands it is, lea rned Sr. counsel submits.

Learned counsel for the State respondents has fairly submitted t hat the job of the Revenue Circle Officer stands confined to showing the boundar ies only, not to decide or indicate any title of any party over the same.

In view of the above, this writ petition stands disposed of prov iding that though the Revenue Circle Officer may proceed to show the boundaries of the lands mentioned in the impugned notice, he should not have given any indi cation in the notice about the title over the same. Therefore, showing of the bo undaries of the lands, mentioned in the notice should be done without any refere nce to the words applicant's lands .. Needless to say if any of the parties has a claim over the said lands, hostile to the others, that party shall be at libe rty to approach the civil court of appropriate jurisdiction.

A copy of this order be furnished to the petitioner on payment o f usual cost.